

REMARKS

The present application includes claims 1-36. New claims 35-36 have been added by this response.

Claims 1-36 are pending in the present application. Claims 1-34 have been subjected to a restriction requirement. The Examiner asserts that Group I includes claims 1-8 and 24-27, drawn to a remotely accessible centralized medical information system and method, classified in class 702, subclass 19. The Examiner asserts that Group II includes claims 9-20, drawn to a centralized medical information system, also classified in class 702, subclass 19. The Examiner asserts that Group III includes claims 21-23, drawn to a remotely accessible centralized data storage system for mobile medical imaging, also classified in class 702, subclass 19. Group IV includes claims 28-32, drawn to a method and system of communicating between a mobile imaging unit and a healthcare facility, classified in class 702, subclass 19. Finally, Examiner's Group V includes claims 33-34, drawn to a method for remotely accessing information, classified in class 702, subclass 19.

Additionally, the Examiner has divided Groups I and II into two species. The Examiner asserts that Specie I-A, including claim 7, is directed to a system including a data generator that generates medical images. Examiner's Specie I-B, including claim 8, is directed to a system including a data generator that generates medical reports. Claims 1-6 and 9-34 represent the generic category. The Examiner asserts that Specie II-A, including claim 18, is directed to a system including a medical application retriever that comprises a mobile imaging unit. Specie II-B, including claim 19, is directed to a system including a medical application retriever that comprises a healthcare facility. Claims 1-17 and 20-34 represent the Examiner's generic category.

The Applicant elects, with traverse, to prosecute the claims of Group IV, drawn to claims 28-32. The reasons for traverse and argument for examination of claims 1-36 on the merits are enumerated in the following remarks.

The Applicant respectfully traverses the Examiner's restriction requirement for the reasons set forth below. The restriction requirement is respectfully traversed because "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." MPEP § 803. For proper restriction, the inventions must be independent or distinct as claimed, and there must be a "serious burden" on the Examiner to require the restriction.

While "[f]or purposes of the initial requirement, a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation either separate classification, or separate status in the art, or a different field of search ... [t]hat *prima facie* showing may be rebutted by appropriate showings or evidence by the applicant." MPEP § 803. The applicant rebuts the Examiner's *prima facie* showing in this case as follows.

According to MPEP § 803, "Examiners must provide reasons and/or examples to support conclusions" regarding the restriction requirement. Moreover, the Applicant respectfully submits that a search and examination of Groups I-V would not represent a serious burden on the Examiner. The identified groups and any included species are all classified in class 702, subclass 19 and address this same general field of search. A proper search of the claims will require the Examiner to search for patents directed to the general area of medical information systems and specifically interaction between medical information systems and mobile imaging units. The Examiner has identified a single subclass within which all of the groups are classified. The Applicant respectfully submits that narrowing this single subclass with pertinent search terms found in the claims of the present application would not be difficult or overly burdensome.

For these reasons, examining all groups in the same application does not present a serious burden in this instance. The same principle applies to election of species. Therefore, restriction between Groups I-V is improper, as is the election between Species I-A and I-B in Group I and between Species II-A and II-B in Group II. The claims in Groups I-V are individually patentable but are related as described in the specification and the claims. The restriction and election requirements should therefore be withdrawn. The Applicant respectfully requests rejoinder of Groups I-V and examination of Groups I-V on the merits.

FROM McANDREWS, HELD, & MALLOY

(MON) 11. 7' 05 16:16/ST. 16:13/NO. 4861050835 P 11

Application No. 09/681,306

Attorney Docket No. 15-IS-5713 (13033US01)

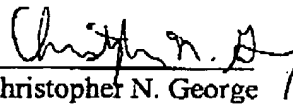
CONCLUSION

The Applicants submit that the present application is in condition for allowance. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited and encouraged to contact the Applicants at the number below.

The Commissioner is authorized to charge any additional fees or credit overpayment to the Deposit Account of GEMS-IT, Account No. 502401.

Respectfully submitted,

Date: November 7, 2005


Christopher N. George
Reg. No. 51,728

McAndrews, Held & Malloy, Ltd.
500 W. Madison Street
34th Floor
Chicago, IL 60661
Phone (312) 775-8000
Fax (312) 775-8100